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**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

In re
Sasan Afnani, Debtor and Nasim Foroughi, Co-
Debtor

Debtor,

OneWest Bank N.A. FKA OneWest Bank, FSB

Movant,

vs.

Sasan Afnani, Debtor and Nasim Foroughi, Co-
Debtor and Devin Derham-Burk, Trustee

Respondents,

Case No. 10-54931-SJ

Chapter 13

RS No. MDE-1333

**MOTION FOR RELIEF FROM
AUTOMATIC STAY AND FROM CO-
DEBTOR STAY**

Hearing:

Date: April 15, 2014

Time: 10:30 a.m.

Place Courtroom 3099
280 South First Street
San Jose, CA 95113-3099

**TO THE HONORABLE STEPHEN L. JOHNSON, UNITED STATES BANKRUPTCY COURT
JUDGE, THE DEBTOR, CO-DEBTOR, THE DEBTOR'S COUNSEL, THE TRUSTEE, AND
OTHER INTERESTED PARTIES:**

OneWest Bank N.A. FKA OneWest Bank, FSB ("Movant") hereby moves this Court for an Order granting relief from the automatic stay and from Co-Debtor Stay under 11 U.S.C. §362 as to the Debtor and Debtor's bankruptcy estate in the above-captioned matter so that Movant may enforce its remedies against the property in accordance with applicable non-bankruptcy law on the real property commonly known as 4918 Paseo Tranquillo, San Jose, California 95118 (the "Property").

1 Movant hereby moves this Court for an Order granting relief from the automatic stay on the
2 following grounds:

3 1. **Pursuant to 11 U.S.C. § 362(d)(1), Movant's interest is not adequately protected as Debtor**
4 **has failed to make post-petition payments:** The evidence establishes that Debtor has failed to make
5 post-petition payments to Movant. Therefore, Movant's interest in the Property is not adequately
6 protected.

7 2. **Pursuant to 11 U.S.C. § 1301, Codebtor stay:** Nasim Foroughi is a co-debtor because she is
8 liable under the Deed of Trust.

9 Movant submits the attached Declaration and Memorandum of Point & Authorities, as well as
10 other evidence attached hereto in support of its Motion.

11 **WHEREFORE**, Movant prays that this Court issues an Order as follows:

12 1. An Order Granting Relief from the Automatic Stay to allow Movant, its successors, transferees,
13 and assigns, to proceed under applicable non-bankruptcy law to enforce its remedies against the Property.

14 2. The Order be binding and effective despite any conversion of this bankruptcy case to a case under
15 any other chapter of Title 11 of the United States Code.

16 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

17 4. That Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance
18 agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement.
19 Movant, through its servicing agent, may contact the Debtor via telephone or written correspondence to
20 offer such an agreement. Any such agreement shall be nonrecourse unless stated in a reaffirmation
21 agreement.

22 5. That the Co-Debtor Stay of 11 U.S.C. Sec. 1301 as to the above-named Co-Debtor be terminated
23 on the same terms and conditions.

24 6. Any further relief as the Court deems just and proper.

25 Dated: March 28, 2014

Respectfully Submitted,

Buckley Madole, P.C.

27 By: /s/ Mark D. Estle

MARK D. ESTLE

28 Attorney for Movant